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Attorneys for William F. Bottoms, Mary A. Bottoms,
as individuals and as trustees for the Bottom Family
1989 Trust, and The Blue Oak Charitable Fund,
a California non-profit public benefit corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MARY A BOTTOMS, as individuals and as
trustees for the Bottoms Family 1989 Trust;
THE BLUE OAK CHARITABLE FUND, a
California non-profit public benefit
corporation,

Plaintiff,

vs.

ATKN COMPANY OF CALIFORNIA, f/k/a
Guy F. Atkinson Company of California;
ATKN COMPANY, a Nevada corporation,
f/k/a/ Guy F. Atkinson Company, and DOES
1- 100

Defendants.

CASE NO. C 05 03045 EMC

**STIPULATION AND ORDER
EXTENDING TIME TO ANSWER, AND
EXTENDING THE CASE SCHEDULE
AND INITIAL CASE MANAGEMENT
CONFERENCE**
[CIV. LOC. R. 6-2]

This action was filed on July 27, 2005. Counsel for the defendants executed a Notice of
Waiver of Service on September 2, 2005. An answer to the Complaint would be due on October
24, 2005.

The defendants are in bankruptcy (U.S.Bankr. Ct. No. 97-33694-TC (N.D. Cal.))
Modified relief from the automatic stay was obtained by the plaintiff for the purpose of pursuing
this claim to the extent of the defendants' insurance.

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STIPULATION AND ORDER EXTENDING TIME TO
ANSWER, AND EXTENDING THE CASE SCHEDULE
AND INITIAL CASE MANAGEMENT CONFERENCE

The action involves a claim of environmental damage that extends for many years into the past. The plaintiffs submit that the identification of the insurers has been somewhat hampered by the lack of complete records on insurance going back far enough.

The defendants have tendered the defense of this claim to those insurers that we have been able to identify. Some of these insurers have inquired about the defendants' deadline to answer the complaint and wish to avoid any prejudice while they determine whether they actually insured the defendants and, if so, what their duties under their policies are.

Counsel for the defendants forwarded this request to counsel for the plaintiffs, who hereby stipulates to an extension of the time to answer.

No request for additional time has heretofore been made by any of the parties.

This extension of time has implications for the case management schedule. Accordingly, the parties stipulate that the case management schedule should be adjusted accordingly. By adding 120 days to the dates on the existing case management schedule, the parties respectfully submit that the schedule should be amended as follows:

	<u>Original due</u> <u>date</u>	<u>New due</u> <u>date</u>
Answer	10/24/05	2/21/06
Last day to meet and confer re initial disclosures, early settlement, ADR process selection, and discovery plan	11/16/05	3/16/06
Last day to file Joint ADR Certification With Stipulation to ADR Process of Notice of Need for ADR Phone Conference	11/16/05	3/16/06
Last day to complete initial disclosures or state objection in Rule 26(f) Report, file/serve Case Management Statement, and file/serve Rule 26(f) Report	11/30/05	3/30/06
Case Management Conference in Courtroom C, 15th Floor at 1:30 PM	12/7/05	4/6/06 4/5/06

SO STIPULATED:

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1 DATED: October 11, 2005

LELAND, PARACHINI, STEINBERG,
MATZGER & MELNICK, LLP

3 By: *Mitchell Chyette*

4 Mitchell Chyette
5 Attorneys for Mary A. Bottoms, as
6 individuals and as trustees for the Bottom
7 Family 1989 Trust, and The Blue Oak
8 Charitable Fund, a California non-profit
9 public benefit corporation

10 DATED: October 3, 2005

PACHULSKI STANG ZIEHL YOUNG JONES
WEINTRAUB

11 By: *Henry Kevane*

12 Henry Kevane
13 Attorneys for ATKN defendants

14 ORDER

15 Pursuant to the stipulation set forth above, the case management order and schedule are
16 hereby changed to the dates set forth above.

